

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:*

East Akron Station  
Akron, Ohio 44305  
(Paul J. Connor and Shirley  
Strader, Petitioners)  
(City of Akron, Ohio, Intervenor)

Docket No. A2011-16

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**COMMENTS OF UNITED STATES POSTAL SERVICE**  
(July 25, 2011)

By means of Order No. 733 (May 19, 2011), the Postal Regulatory Commission docketed correspondence from customers of East Akron Station in Akron, Ohio, assigning PRC Docket No. A2011-16 as an appeal pursuant to 39 U.S.C. § 404(d).<sup>1</sup> The Postal Service renews the arguments set forth in its Notice of Filing<sup>2</sup> and its Comments in PRC Docket No. A2010-3<sup>3</sup> ("A2010-3 Comments").

This appeal concerns a station, and not a Post Office for purposes of 39 U.S.C. § 404(d). As described in the A2010-3 Comments (at 5-9), section 404(d) does not apply to retail locations such as stations which are subordinate to a Post Office. In the Postal Service's view, Congress knowingly used "Post Office" in its technical sense thereby excluding stations and branches, as demonstrated in the legislative history, and because Congress had used "Post Office" in its

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<sup>1</sup> East Akron Station appears on the list of stations and branches identified for possible discontinuance in PRC Docket No. N2009-1. See USPS-N2009-1-4 - Current List of Stations/Branches Identified As Candidates for Discontinuance Study Under Station/Branch Optimization/Consolidation Initiative (Public Version) (January 29, 2010).

<sup>2</sup> Notice of United States Postal Service, PRC Docket No. A2011-16 (May 31, 2011).

<sup>3</sup> Comments of United States Postal Service Regarding Jurisdiction Under (Current) Section 404(d), PRC Docket No. A2010-3 (April 19, 2010).

technical sense for well over a century. Accordingly, the Commission lacks jurisdiction to hear Petitioners' appeal.<sup>4</sup>

In addition to the Postal Service's position summarized above and addressed in more detail in PRC Docket Nos. A2010-3 and N2009-1, the procedural requirements of 39 U.S.C. § 404(d) do not apply here because the discontinuance of East Akron Station does not qualify as a closure envisioned by 39 U.S.C. § 404(d). As recognized in PRC Docket No. A2010-3, the section 404(d) procedural requirements do not apply where postal customers do not lose access to postal services due to the location of alternate retail facilities in "close proximity" to the discontinued station. See Order No. 477, PRC Docket No. A2010-3 (June 22, 2010) at 7-8. In this case, affected customers will not lose access to postal services because they may obtain services from Ellet Station, located within two miles from East Akron Station, and ten other postal retail facilities and two contract postal units located within five miles of East Akron Station. See Notice of United States Postal Service, PRC Docket No. A2011-16 (May 31, 2011) ("Notice") at 2, Exhibit 2. In addition, nearby alternate access options are available to customers, and these include three Automated Postal

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<sup>4</sup> The City of Akron's contention that the Postal Service "acknowledged that this Commission possessed the authority and/or jurisdiction to hear the Petition for Review" is inaccurate and unsupported. See City of Akron, Ohio's Initial Brief, PRC Docket No. A2011-16 (July 11, 2011) ("Initial Brief") at 2. In both its response to the application for suspension and its notice of filing for the administrative record, the Postal Service renewed its position that the Commission does not have jurisdiction over this appeal. Response of United States Postal Service to Petitioner's Application for Suspension of Discontinuance for the East Akron Station, Akron, Ohio 44305, PRC Docket No. A2011-16 (June 16, 2011) at 2 ("this appeal is not within the scope of the Commission's jurisdiction"); United States Postal Service Notice of Filing and Application for Non-public Status, PRC Docket No. A2011-16 (June 17, 2011) at 1 ("The Postal Service maintains its position that it has no obligation to provide the complete administrative record because the Commission lacks jurisdiction to hear Petitioner's appeal").

Centers® located within five miles of East Akron Station, three stamp consignment sites located within one mile of East Akron Station – CVS, Walgreens, and US Bank – and Stamps By Mail®. *Id.* at 3, Exhibit 3.

Even assuming the section 404(d) requirements were applied in the context of the discontinuance of East Akron Station, the Postal Service satisfied the salient provisions of section 404(d). On July 14, 2009, the Postal Service distributed questionnaires to customers notifying them of the possible discontinuance of East Akron Station, and inviting comments on the potential change to the postal retail network. United States Postal Service Notice of Filing and Application for Non-Public Status, Administrative Record, PRC Docket No. A2011-16 (June 17, 2011) at Item No. 30. The Postal Service also made these questionnaires available over the counter for retail customers who did not receive carrier delivery or Post Office Box service through East Akron Station. *Id.* Through this notification, the Postal Service furnished customers well over 60 days' notice of the Postal Service's intention to consider discontinuance of the facility. The Postal Service received one hundred twelve customer responses to the questionnaires, thus confirming receipt of such notice and the extensive input customers provided. See Notice, Exhibit 1 (Final Determination) at 1. Upon making the final decision to discontinue East Akron Station, the Postal Service informed the community of the decision through a letter to community leaders dated April 11, 2011. See Petition for Review Received from Paul J. Connor Regarding the Closure of the Akron, OH Post Office 44305, PRC Docket No. A2011-16 (May 17, 2011).

The Postal Service further considered all of the pertinent criteria of section 404(d), including the effect on postal services, the community, and employees, and the economic savings arising from the discontinuance. Administrative Record at Item 40. Customers notified the Postal Service of their concerns related to postal services, including the safety and conditions of other nearby postal facilities and the effects on senior citizens<sup>5</sup>; the community, including the effect on businesses in the community<sup>6</sup>; and employees. Administrative Record at Item Nos. 30 and 40. As reflected in the final determination, the Postal Service considered these concerns during the decision-making process.<sup>7</sup> See *id.* Affected postal employees will be reassigned to other postal facilities in full accordance with agreements between the Postal Service and employee organizations. *Id.* Finally, the Postal Service provided a breakdown of the costs that serve as a basis for its estimate of economic savings.<sup>8</sup> *Id.*

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<sup>5</sup> The City of Akron alleges that the Postal Service has not provided sufficient information regarding application for hardship services. See Initial Brief at 4. However, the Postal Service instructs customers to contact the local postmaster for more information about hardship services. Administrative Record, Item No. 40 at 7.

<sup>6</sup> As part of its decision, the Postal Service considered the effect of the Goodyear Redevelopment project. Administrative Record, Item No. 40 at 14.

<sup>7</sup> The City of Akron contends that the Postal Service has not sufficiently evaluated South Arlington Station's ability to serve former East Akron Station customers. Initial Brief at 5. In support of this claim, the City of Akron cites Item No. 16 of the Administrative Record. *Id.* The cited document contains Wait Time in Line information for South Arlington Station, and this information, rather than Wait Time in Line information for East Akron Station, is relevant to the assessment of whether South Arlington Station has the capacity to serve former East Akron Station customers.

<sup>8</sup> The City of Akron challenges the Postal Service's estimate of economic savings based on the alleged omission of a "\$110,446.23 annual expense" and "the financial loss of 97,521 retail transactions." This reflects an incorrect reading of the administrative record and the final determination. The annual expense is included in the "Less Cost of Replacement Service" line of the "Economic Savings" section of the final determination. And with respect to the alleged lost retail transactions, there is no reason to anticipate that these transactions will not occur at other retail locations or through alternate access options.

In its responses to customer questionnaires, the Postal Service addressed customer concerns about obtaining services from a different postal retail location. Specifically, the Postal Service informed customers that, after the discontinuance of East Akron Station, they would have a choice of carrier delivery or Post Office Box service. Administrative Record, Item No. 40 at 4. It also explained that while a change of address is necessary for those customers choosing carrier delivery service, customers choosing Post Office Box service at South Arlington Station could retain their existing addresses. *Id.* In addition, the Postal Service identified the numerous retail service options available to customers, including the fourteen alternate retail locations within five miles of East Akron Station, and the ability to purchase stamps by telephone, through the internet, or at stamp consignment locations listed at [www.usps.com](http://www.usps.com). Administrative Record, Item No. 40.

For the reasons set forth above, and in the Notice of Filing in this docket and the Postal Service Comments in PRC Docket No. A2010-3, the appeal should be denied.

Respectfully submitted,

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